

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Louis BENOIT)
) Group Art Unit 3618
Appln. No.	:	09/941,643)
) Examiner Hau PHAN
Docket No.	:	P21366)
) Confirmation No. 7042
Customer No.	:	7055)
)
Filed	:	August 30, 2001)
)
Title	:	CHASSIS FOR AN IN-LINE SKATE, AND AN)
		IN-LINE SKATE INCLUDING SUCH CHASSIS)

REPLY TO RESTRICTION REQUIREMENT, WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop *Amendment*
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In reply to the restriction requirement, dated June 7, 2004, Applicant elects, with traverse, the invention identified as "Group I, figures 1-2, 3."

Concurrently with this reply, Applicant is filing an amendment, in which independent claims 7, 9, and 12 are amended and dependent claims 39-42 are added.

Claims 1-18, 20-30, 37, 38, and 42 (which include all independent claims) are believed to encompass the elected invention (or depend from claims which encompass the elected invention). At least independent claims 1, 15, and 16 are believed to be generic.

Dependent claims 31-36 and 39-42 encompass the non-elected invention identified in the restriction requirement as "Group II, figures 1, 2a."

To the extent that the restriction requirement would result in the Examiner withdrawing from consideration any claim that has heretofore been identified as allowed or allowable, Applicant respectfully traverses the rejection on the ground that an examination of such claims has already been performed. That is, with regard to any such claims, Applicant would submit that there would not appear to be a "serious burden" on the Office in retaining such previously allowed claims non-withdrawn.

That is, in MPEP Chapter 800, the Office sets forth its policy by which Examiners are guided in requiring restriction under 35 USC 121. In Section 803 it is stated that even if the plural inventions are independent or distinct, that "[t]here must be a serious burden on the examiner if restriction is required (citations omitted)."

As an example, Applicant notes that independent claim 6 (which has been allowed) refers to "a non-circular boss" in the final subparagraph of the claim. The specification, on page 11, lines 12-15, the expression "non-circular boss" is used to describe a rib which is relatively short in length, such as rib 19 shown in Fig. 4. To the extent, then, that claim 6 would be found to be directed to Group III of the restriction requirement, rather than Group I, and in the event that claim 6 and the claims depending from claim 6 were to be found not directed to the elected invention, Applicant traverses the restriction requirement and requests that the requirement be modified at least to the extent that both Group I and Group III be combined for the purpose of examination.

Further, the amendment being filed concurrently with this reply to the restriction requirement is believed to be effective to provide that each of the independent claims, including previously rejected independent claims 7, 9, and 12, is encompassed by the elected invention.

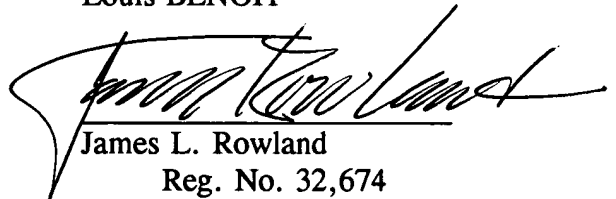
That is, in each of independent claims 7, 9, and 12, Applicant has (1) *deleted* the limitation "said lateral and medial flanges comprising distinct parts of a multiple-part chassis of the in-line skate, said distinct parts having been assembled together"; and (2) *added* the limitation "each of said lateral and medial intermediate portions extending longitudinally other than in a single straight line."

Therefore, by means of the amendment made to claims 7, 9, and 12, Applicant submits that these claims should be found allowable, for reasons set forth previously by Applicant. Further, Applicant requests that the dependent claims which might not be encompassed by the elected invention, be allowed in view of their dependency upon allowable parent claims.

No fee is believed to be necessitated by this reply to the restriction requirement. Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this response timely and/or complete, Applicant requests an extension of time under 37 CFR 1.136(a) in the necessary increments of month(s) to render this response timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR 1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to Applicant's undersigned attorney at the telephone number given below.

Respectfully submitted,
Louis BENOIT



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